

In the Matter of Merchant Mariner's Document No. Z-934936
Issued to: AUTHOR HOOD, JR.

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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ARTHUR HOOD, JR.

This appeal comes before me in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.11-1.

On 1 and 5 July, 1949, Appellant appeared before an Examiner of the United States Coast Guard at New York City to answer a charge of misconduct supported by a specification alleging that while Appellant was serving as a messman on board the U.S.A.T. GENERAL M. ROSE, under authority of Merchant Mariner's Document No. Z-934936, he unlawfully had in his possession, on or about 21 May, 1949, eight marijuana cigarettes.

At the hearing, Appellant was fully informed of the nature of the proceedings, the possible outcomes and all the rights to which he was entitled during the hearing. Appellant voluntarily waived his right to representation by counsel and pleaded "guilty" to the specification and charge. After the Investigating Officer had completed his opening statement and Appellant had been given an opportunity to present mitigating circumstances, the Examiner entered an order revoking Merchant Mariner's Document No. Z-934936 and all other valid certificates and documents issued to Appellant by the United States Coast Guard.

The appeal states that the only reason Appellant came into possession of the marijuana cigarettes was because he had to exchange some script money for marks and marijuana cigarettes in order to get some marks to pay for his passage on a ferry in Germany. Appellant states that he did not give the cigarettes "another thought" until the ship was at sea. Upon arriving in New York, he decided to take four of them ashore although he had not previously smoked any of them. Appellant also requests clemency since he has a wife and two children to support and he is now aware of the seriousness of the offense.

There had not previously been any disciplinary action taken against Appellant during his five or six months service in the merchant marine service.

FINDINGS OF FACT

On or about 21 May, 1949, Appellant was serving as a member of the crew in the capacity of messman on board the U.S.A.T. GENERAL M. ROSE, under authority of Merchant Mariner's Document No. Z-934936, while the ship was docked at New York after completion of a foreign voyage. On this date, Appellant was apprehended by Customs Officers when leaving the ship. A search of his person revealed that Appellant was carrying four marijuana cigarettes. Upon searching his quarters aboard the ship, the Customs Officers discovered four additional marijuana cigarettes. Appellant admitted that he purchased the cigarettes in Bremerhaven, Germany, for his own use and disclaimed that he intended to smuggle them ashore.

OPINION

It has been the consistent policy of the Coast Guard to revoke all certificates, licenses and documents held by any merchant seaman found guilty of possession, use, sale or any association with narcotics. As aptly stated by the Examiner in his opinion, this course of action is necessary in order to protect other merchant seamen and vessels from the constant threat of danger to which they are submitted whenever narcotics are present in their midst. These revocation orders are mandatory if the Coast Guard is to preserve the high degree of discipline required on merchant ships. And it is the Coast Guard's legal duty to take such action as will insure the continuation of this degree of law and order aboard merchant ships so as to guard the safety of personnel and property. This well-established policy has been followed in numerous cases involving marijuana. HQ 305, HQ 306, HQ 308, HQ 310, HQ 311, HQ 313, HQ 314, HQ 318, HQ 320, HQ 323, HQ 326, HQ 333, HQ 334, HQ 335, HQ 336, HQ 337, HQ 339, HQ 341, HQ 348, HQ 353, HQ 356, HQ 359, HQ 365, HQ 366, HQ 368.

CONCLUSION AND ORDER

The order of the Examiner dated 5 July, 1949, should be, and it is, AFFIRMED.

J. F. FARLEY
Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 9th day of Sept, 1949.